IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

CRP.No. 2936 of 2001(G)

AA.544/1997 of APPELLATE AUTHORITY (LAND REFORMS), KANNUR

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REVN. PETITIONERS/APPELLANTS/3RD PARTY:

1. KOTTOOR MADATHIL VASUDEVAN NAMBISSAN,
   S/0.CHERIYA VISHNU NAMBISSAN,
   ALAPPADAMBA AMSOM,ALAPPADAMBA P.O.

2. CHEPPAYI KOTTE MADATHIL NARAYANAN NAMBISSAN,
   S/O.LATE DAMODARAN NAMBISSAN,
   ALAPPADAMBA AMSOM DESOM (THROUGH POWER OF ATTORNEY
   HOLDER, KOTTOOR MADATHIL VASUDEVAN NAMBISSAN).

BY ADV. SRI.T.A.RAMADASAN
SRI.A.K.ALEX
SMT.S. ANITHA

RESPONDENTS/RESPONDENT/A PARTY:

1. N.SABIYATH, W/O. E. SHANAHIL CHEUMOLA,
   KARIVELLUR.

2. STATE OF KERALA, REP. BY CHIEF SECRETARY TO GOVT.
   OF KERALA, TRIVANDRUM.

R1 BY ADV. SRI.M.V.AMARESAN
SMT.M.C.BINDUMOL
R2 BY GOVERNMENT PLEADER SRI THOMAS JOHN AMBOOKEN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.NO.2936/2001.

ORDER ON CMP.NO.6164/2001 IN C.R.P.NO.2936/2001

DISMISSED

17/7/2007 Sd/- P.R.RAMAN, JUDGE.

P.R.RAMAN J.

C.R.P.No.2936 OF 2001

Dated this the 17th day of July, 2007

O R D E R

Petitioners are the legal representatives of Cheriya Vishnu Nambissan, Alappadamba Amsom, Alappadamba Post. Suo Motu Proceedings No.7487/75 was filed under Section 72C of the Kerala Land Reforms Act in which 'A' party is the lst respondent herein. The tenancy claim of the lst respondent was upheld and an order was passed on 14/10/1976 allowing the Suo Motu Proceedings and directing to issue certificate of purchase to the 'A' party, the lst respondent herein. The only respondent in the said Suo Motu Proceeding is Thekke Madathil Cheriya Vishnu Nambissan, who is the father of the lst revision petitioner. In the memorandum of revision petition a specific contention raised is that Vishnu Nambissan died even long prior to the issuance of certificate of purchase by the Tribunal. Though an appeal was preferred against the order passed by the Land Tribunal before the Appellate Authority, the same was dismissed against which the present revision is filed.

2. If, as a matter of fact, the Land Tribunal has issued a certificate of purchase in favour of Vishnu Nambissan, who died before issuance of the

purchase certificate, without impleading the legal representatives, such certificate will not bind the legal representatives. The death certificate produced along with the Review Petition No.469/2002 in C.R.P.No.2934/2001 shows that Vishnu Nambissan died on 12/10/1975 whereas the certificate of purchase was issued only on 14/10/1976. If that be so, the certificate issued is liable to be set aside on the short ground.

3. Therefore, without going into the merits of the contention between the parties, the order of the Land Tribunal as well as the Appellate Authority is set aside. The matter is remitted to the Land Tribunal for fresh consideration in accordance with law. Since the revision petition is filed by the legal representatives of the deceased Vishnu Nambissan, the proceedings to implead them is dispensed with. The Land Tribunal will give an opportunity to the petitioners herein and after hearing both sides and after considering the evidence, orders shall be passed in accordance with law. Both sides shall appear before the Land Tribunal on 14/8/2007. The Land Tribunal shall dispose of the matter expeditiously, at any rate, within six months from the date of receipt of a copy of this order.

Sd/-
P.R.RAMAN,
Judge.

kcv.

P.R.RAMAN, J.

C.R.P.NO.2936 OF 2001

O R D E R

17th July, 2007